

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For California Crossings
P06-102, TPM 21046
APN (s) 646-240-81-00

January 18, 2011

I. Introduction

The proposed project would consist of a 325,502-square-foot (SF) regional shopping center on a 29.6-gross-acre site. The project is located at the corner of Otay Mesa Road and SR-125 within the East Otay Mesa Specific Plan within the unincorporated area of San Diego County. The primary access into the proposed shopping center would be from Harvest Road, with limited access from Otay Mesa Road. The shopping center would be composed of a Target anchor store, three other major tenants, one sub-major tenant, three restaurant pads, and a series of smaller shops. The site would be divided into three parcels. Proposed grading is 157,000 cubic yards of balanced cut and fill. The proposed project includes a sign program with two pylon signs along the SR-125/site boundary.

The site is currently undeveloped and consists of primarily of non-native grassland, with a disturbed area in the southwest portion of the site. The site slopes gently downward to the south, with no prominent landmarks, rock outcrops, or streams. The site is bounded by Harvest Road on the east, Otay Mesa Road on the south, and SR-125 on the west. The surrounding area consists primarily of undeveloped non-native grassland, with a power plant to the southeast and a travel plaza nearby to the west.

The project site and improvement area include 22.2 acres of non-native grassland, 0.4 acres of non-native vegetation, 9.2 acres of disturbed habitat, and 2.2 acres of urban/developed habitat, all of which would be impacted. Also observed on-site were the loggerhead shrike, horned lark, and grasshopper sparrow. Nearby species observations included the barn owl, prairie falcon, white-tailed kite, northern harrier, and one previous observation of a burrowing owl, but the burrowing owl no longer occupies the area according to subsequent surveys. Without mitigation, the project would have a significant impact on raptor foraging habitat, but impacts to sensitive animal species would be less than significant because the project would not impact the species' regional long-term survival. No sensitive plants occur on-site.

The proposed mitigation for non-native grassland and raptor foraging habitat is preservation of a 15.4-acre parcel in Otay Mesa known as the Attisha Trust parcel, which supports non-native grassland, coastal sage scrub, and vernal pools. The habitat value and acreage of the proposed mitigation parcel exceeds the 11.1 acre mitigation requirement for non-native grassland. A conservation easement shall be placed over the land and an endowment for long-term management shall be provided by the applicant. Fencing shall be installed to protect the habitat, and five artificial burrows shall be installed to improve the habitat value for burrowing owls. The parcel

shall be managed in perpetuity by the County Department of Parks and Recreation. The project will also implement grading restrictions to prevent impacts to nesting raptors and migratory birds. Mitigation measures are listed in the project EIR, and will reduce all project impacts to less than significant.

The project site is designated as a Minor Amendment Area. It is not located in or near any wildlife corridor, linkage, known BRCA, or preserve.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Non-Native Grassland	III	22.2	22.2	0.5:1	11.1
Non-Native Vegetation	N/A	0.4	0.4	N/A	0
Urban/Developed	N/A	2.2	2.2	N/A	0
Disturbed Habitat	IV	9.2	9.2	N/A	0
Total:	--	34.0	34.0	--	11.1

The findings contained within this document are based on County records, staff field site visits and a biology report prepared by Helix Environmental Planning, Inc. and dated July 21, 2010. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the wildlife agencies have concurred with the Minor Amendment, the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

- A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.**

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

- i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The land is shown as a Minor Amendment area, not PAMA.

- ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site is not adjacent or contiguous to preserved habitat within a PAMA.

- iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
 - a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
 - b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The site does not contain topography such as a drainage that would encourage wildlife movement, and it is surrounded on three sides by roads. The site and surrounding area do not serve as California gnatcatcher habitat.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The site is shown as Agriculture on the Habitat Evaluation Map.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The site is significantly disturbed, supports only non-native habitat, and is surrounded by roads on three sides.

vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:

- a. Gabbroic rock;
- b. Metavolcanic rock;
- c. Clay;
- d. Coastal sandstone

The site and surrounding area have been disturbed by past agricultural use, and although clay soils occur on-site, no sensitive plant species were observed or expected to occur on-site.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The mitigation site qualifies as a BRCA because it adjoins preserved lands in Dennery Canyon on 3 sides and supports coastal sage scrub, vernal pools, and non-native grassland. Sensitive species observed on-site or nearby include *Dudleya variegata*, California gnatcatcher, *Chaetodipus fallax fallax*, *Deinandra conjugens*, *Neotoma lepida intermedia*, and *Euphorbia misera*.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

Project Design Criteria, including attachments G and H, are not required because the project does not propose impacts to sensitive plant species, significant populations of narrow endemic animal species, or a Biological Resource Core Area.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

These findings are not required because the project is not located within PAMA or Preserved land as identified on the Subarea Plan Map.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

Attachment H findings are not required because the project site is not located within a regional linkage or potential local corridors.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

- 1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The project site does not support wetlands, and thus the project will not conflict with the no-net-loss-of-wetland standard.

- 2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The project will maximize the habitat structural diversity of conserved habitat by preserving the Attisha Trust parcel, which supports coastal sage scrub and vernal pools in addition to non-native grassland. The diversity of the off-site habitat to be preserved exceeds that of the project site.

- 3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

Although the project site does not contain coastal sage scrub, the mitigation site will preserve 10.8 acres of coastal sage scrub.

- 4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The preservation site is adjacent to preserved land on three sides, and its preservation will reduce edge effects and increase the preserved area's ratio of surface area to perimeter.

- 5. The project provides for the development of the least sensitive habitat areas.**

Because the whole project site is subject to past disturbance and dominated by non-native species, the entire project site will be impacted and mitigation will occur in more sensitive habitat off-site.

- 6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The project site does not support key regional populations of covered species or representations of sensitive habitats and their geographic sub associations in biologically functioning units. The project will preserve a combination of coastal sage scrub, vernal pools, and non-native grassland off-site.

- 7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The project site does not contribute to the preservation of wide-ranging species because it is surrounded by roads on three sides. The mitigation site will help conserve a larger block of habitat by filling a gap in preserved lands in Dennery Canyon.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

The project site does not support critical populations or narrow endemics.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project site is designated as a Minor Amendment Area. Due to its disturbed state, lack of sensitive plant species or native habitat, low habitat value, lack of wetlands or wildlife corridors, and its location surrounded by three roads, the site is not suitable for preservation and can be developed without jeopardizing preserve assembly within the Subarea Plan.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The project does not propose on-site preservation.

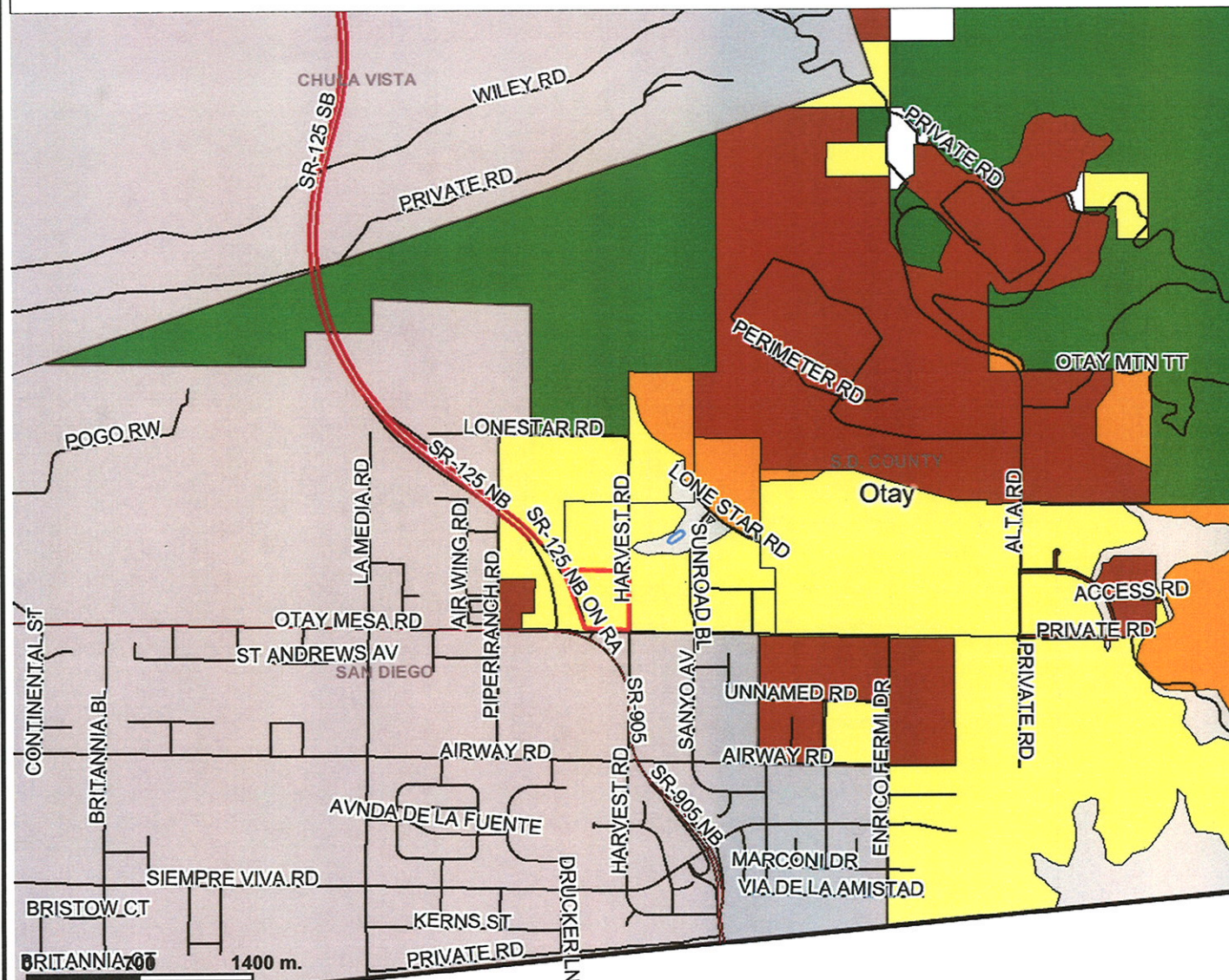
- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project site does not qualify as a BRCA and does not support native habitat, sensitive plant species, narrow endemic animal species, wetlands, or wildlife corridors; thus, on-site preservation would have very limited value and the whole site is proposed for development. The project would impact 22.2 acres of non-native grassland, which is considered a sensitive habitat and supports raptor foraging. The other 11.8 acres of impacts are to disturbed habitat, urban/developed land, and non-native vegetation, which are not sensitive. Impacts to non-native grassland would be mitigated by preservation of the 15.4-acre Attisha Trust parcel. In addition to 1.8 acres of non-native grassland, the mitigation site is dominated by higher quality habitats: 10.8 acres of coastal sage scrub and 0.15 acre of vernal pools. The remaining 2.7 acres are disturbed or developed. The habitat types to be preserved serve as raptor foraging habitat and potential burrowing owl habitat. The mitigation site will be enhanced by adding fencing along the northern boundary (where it abuts a developed area) and installing five burrowing owl burrows. The applicant will also provide an endowment for perpetual management of the site by the County Department of Parks and Recreation, who will accept the property in fee title. A conservation easement shall be placed over the parcel to ensure its preservation. The proposed mitigation will provide a benefit to BRCAs, sensitive habitats and species by preserving higher quality habitat with better connectivity than the impact site.

Beth Ehsan, Department of Planning and Land Use
January 18, 2011

Attachment: MSCP Designations for California Crossings, P06-102, TPM 21046

California Crossings MSCP Designations



Legend

- Highways
- Freeways
- Streets
- Water Bodies
- Water Bodies
- MSCP_Designations - South
- Hardline Preserve
- Pre-Approved Mitigation Area (PAMA)
- Major Amendment Area
- Minor Amendment Area
- Minor Amendment Area Subject to Special Considerations
- Conserved Subject to Agreement with Wildlife Agencies
- Santa Fe Valley Open Space II
- Santa Fe Valley 'D' Designator
- Otay Ranch Areas Where No Take Permits will be Issued
- Take Authorized Area
- Uncorporated Land in Metro-Lakeside-Jamul Segment
- Other
- Sponsor Groups
- Sponsor Groups
- Other
- Community Planning Area
- Community Planning Areas
- Incorporated Areas
- S.D. COUNTY
- Other
- County Boundary2



Scale: 1:38,486



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